

# Official Minutes for Webb County Commissioners Court Meeting

Monday, October 27, 2003 at 1:00 PM

(With corrections approved November 10, 2003 in bold and parenthesis)

- Item No. 1      Call to order by Judge Louis H. Bruni  
Let it be remembered that a regular meeting of the Webb County Commissioners Court was held at 1:00 p.m. at the regular meeting place with the following members present to wit:
- |                 |                      |
|-----------------|----------------------|
| Louis H. Bruni  | County Judge         |
| Felix Velasquez | Commissioner, Pct. 3 |
| David Cortez    | Commissioner, Pct. 4 |
- Not present during Roll Call  
Jerry Vasquez                      Commissioner, Pct. 1  
Judith Gutierrez                  Commissioner, Pct. 2
- Thus constituting a quorum, the Commissioners Court proceeded to act upon the Agenda as posted in the meeting notice of the 24 of October 2003. Present also were Ms. Nora Elia Prado, Deputy County Clerk representing Mrs. Margie Ramirez Ibarra, Ex-officio Clerk of the Commissioners Court, various officers and others interested in the business of the Court.
- Item No. 2      Roll Call – Margie Ramirez Ibarra, Webb County Clerk  
  
Cmr. Gutierrez arrived after Roll Call.
- Item No. 3      Pledge of Allegiance – Led by Cmr. Velasquez
- Item No. 4      Approval of minutes for September 22, September 29, and October 15, 2003.  
  
There were no additions, deletions or corrections to the minutes.  
  
Cmr. Gutierrez motioned to approve minutes as submitted. Cmr. Velasquez seconded the motion.  
  
Motion carried 4-0 with Cmr. Vasquez not present for voting.
- Item No. 5      Approval of bills, payroll and monthly reports  
  
Ms. Delia Perales, County Treasurer, presented her report to the Commissioners Court.

Cmr. Velasquez motioned to accept report as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

Item No. 6                      Communications

Cmr. Gutierrez stated that a ground breaking ceremony was held this past weekend for the Larga Vista Community Center expansion project and a ribbon cutting was held for the opening of the Bruni Community Center. She thanked the Court for their support on these projects.

Cmr. Velasquez stated that he attended the Fiesta De Los Jueces held on the 25<sup>th</sup> of this month. He thanked Judge Elma Salinas Ender and Judge Oscar Martinez and the Sanchez Family for their support of the event. He stated that he saw firsthand the need for repairs at L.I.F.E. Downs and hopes to see an item on the next agenda to discuss what is being done to begin repairs.

Cmr. Cortez stated that he visited several departments in the past week and congratulated Ms. Margie Ramirez Ibarra, Webb County Clerk, and her staff for the great job that they have done in getting that office in order and organized. He stated that he was disappointed in the District Clerk's Office and invited any department heads to visit Ms. Ibarra's office. He stated that he hoped that the Court would be able to provide additional storage space for the District Clerk's Office in the recently purchased Tex-Mex building.

Judge Bruni had no communications.

Item No. 7                      Public Comment

There were no public comments.

Cmr. Velasquez motioned to move up Item No. 13. Cmr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present.

Item No. 13                    Presentation by Krispy Kreme owners Mr. Randy Willard and Mike Ceci, and store manager, Mr. Ricardo Vela, to promote Laredo's own Krispy Kreme Donuts.

Angela, store manager, thanked the court for the opportunity to promote their newest store. She stated that Mr. Randy Willard and Mr. Ricardo Vela were on their way from the store with fresh donuts for everyone. She stated that 147 local people have been hired by Krispy Kreme and presented special Laredo Krispy Kreme t-shirts to the Court.

Item No. 8      Discussion and possible action regarding the adoption of the Operational General Order for Fiscal Year 2003-2004.

Cmr. Velasquez expressed his concerns regarding the provision in the Operation General Orders that prohibited any budget amendments for six (6) months. He stated that he would like more flexibility to amend the budget if extenuating circumstances, such as emergencies or unforeseen events, may require them. He also stated that there is a provision that prohibits departments from transferring monies from payroll to operational expenses but that the Sheriff's department is able to do that and would like for that exception to be part of the provision.

Cmr. Gutierrez stated that there is already an exception in the provision that allows for budget amendments for emergency purposes or unforeseen events. She also stated that there was a new provision in the general order that would allow departments to transfer up to 20% of their operation budget among other line items without Commissioners Court approval.

Mr. Raul Casso, County Judge's Chief of Staff, stated that that provision was new and was recommended to eliminate small item transfer from being placed on the agenda.

Cmr. Vasquez arrived.

Mr. Carlos Villarreal, Commissioners Court Executive Administrator, stated that the Sheriff's department can transfer from payroll to operational expenses only after they get approval from Commissioners Court.

Cmr. Velasquez stated that he did not feel that the prohibition of budget amendments for six (6) months needed to be included in the general orders.

Cmr. Velasquez motioned to accept the general orders without the six (6) month budget amendment provision. Cmr. Cortez seconded the motion,

Motion carried 3-2 with Cmr. Vasquez and Cmr. Gutierrez voting against.

Cmr. Cortez expressed concern about County hiring procedures due he received calls from persons who tried to apply for employment with the County but were told that the position had been filled even though the position was not advertised.

Item No. 9      Presentation from "Sister Sharing" by Norma Trevino and Baltazar Pineda to be held on November 10, 2003 sponsored by HEB and the City of Laredo.

**(As per instructions by the Commissioners Court, "Sister Sharing" should be "Feast of Sharing" but was stated as "Sister Sharing" in the posted agenda)**

Cmr. Velasquez motioned to defer item. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Vasquez motioned to bring back Item No. 5. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 5      Approval of bills, payroll and monthly reports

Cmr. Vasquez stated that his paycheck has been short \$363.00 for the past three pay periods and was advised that the difference would be included in the next pay check. He stated that he was concerned as to how often this occurs and the effect that this would have on County employees who may be shortchanged or who were overpaid and must now pay back the overpayment in increments deducted from their pay. He stated that he had concerns about the **(Payroll)** department and stated that the duties should be transferred to another department who can properly handle the duties.

Item No. 10      Discussion and possible action to approve the construction contract with CG Construction in the total amount of \$308,012 for construction of the El Cenizo Recreational Center. [Account # 678-8103-8701-1 Park Development]

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Cmr. Vasquez stated that Item No. 10 was for the approval of the contract since the monies for the project had been approved at a prior meeting.

Motion carried 3-1 with Cmr. Velasquez voting against.

Item No. 11      Discussion and possible action to authorize the purchasing agent to obtain the labor and materials from Cantu electric, Inc. in the amount of \$8,750 to install a five section traffic light at the intersection of Espejo Molina Road and Pena Drive. [Account # 010-7002-6205 Material and Supplies]

Cmr. Velasquez stated that he felt that item should be paid through Capital Outlay not Materials and Supplies.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 12      Discussion and possible action on the approval of a resolution concerning County participation in the hearing of the Texas Commission on Environmental Quality on the application by Regional

Land Management Services, Ltd. for a permit for a Municipal Solid Waste Landfill in Webb County, Texas and concerning the representation of the County in the hearing.

Cmr. Gutierrez read proclamation to the Court. Mr. Willie Cavazos, HWY 359 Coalition, requested support from the Court in preventing the proposed private landfill. He stated that the life of the landfill would be 100 years and subject to state inspections once a year. Dr. Gonzalez stated that the proposed site for the landfill is one mile away from present communities and as the communities grow, they would surround the landfill and there would be numerous health issues and concerns.

Cmr. Gutierrez motioned to adopt resolution. Cmr. Velasquez seconded the motion.

**(Cmr. Velasquez clarified that he did not want taxpayer monies to be used to hire outside counsel.)** Cmr. Velasquez expressed concerns about statements in resolution which state that County would be responsible for any outside attorneys hired to represent the County and its opposition. He stated for the record that he supported the endeavor and doesn't want the environment damages but would like for that statement to be removed from the resolution. Cmr. Gutierrez stated that she understood that a cost is associated with this but Court must safeguard the aquifers and land in Webb County. Mr. Tomas Rodriguez, County Engineer, stated that since the County was taken out as an affected party by the former County judge and the resolution would allow them to hold a public hearing and be represented at trial. Cmr. Velasquez inquired as to whether the Court could appoint Mr. Homero Ramirez, County Attorney, to represent the County. Mr. Nathan Bratton, Assistant County Attorney, stated that because Mr. Ramirez was an elected official, it would be at his discretion to handle case or not. He stated that he would be unable to as well unless directed by Mr. Ramirez. Mr. Bratton recommended that the Court approve the resolution appointing Mr. Homero Ramirez, County Attorney, to represent the County and if any outside attorney would be hired, they would come before the court for approval.

Cmr. Gutierrez amended her motion to reflect Mr. Bratton's recommendation. Cmr. Velasquez amended his second to reflect change.

Motion carried 5-0 by unanimous consent.

Mr. Javier Pena stated that proposed site was recently inundated due to the recent rains and stated that if landfill is built, only 4 or 5 people would benefit at the expense of Webb County residents and their health.

Break (2:38 pm to 2:48 pm)

Item No. 14      Discussion and possible action to declare October 30, 2003 as "Weatherization Day" in Webb County.

- Item No. 15      Discussion and possible action on the approval to grant the County Auditor authority to expend funds from the Meals on Wheels Program (MOW), and the Elderly Nutrition Program (EN), effective November 1, 2003, pending the receipt of all required grant documents.

Cmr. Velasquez motioned to approve Item No. 14 and No. 15 as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

Mr. Luis Montes, Weatherization Program Director, stated that 95,000 homes throughout the nation and 200 houses in Webb County have benefited from this program in the past two years. Mr. Leo Flores, County Auditor, stated that grant papers have not been submitted and 30 day funding was approved at a prior meeting pending documentation. Ms. Cynthia Mares, Community Action Agency, stated that this would be funding for an additional 30 days and that state contract should be in her office by Monday. She also stated that the City of Laredo Third Party Funding for this program has not been awarded.

- Item No. 16      Discussion and possible action to enter into a five (5) year (October 1, 2003 through September 30, 2008) commercial lease agreement with Jose Mario Flores concerning office lease space of approximately 6,410 square feet located at 1808 Commerce Drive at a cost of FOUR THOUSAND NINE HUNDRED AND TWENTY DOLLARS (\$4,920.00) a month over the lease term, and authorizing the Webb County Judge to execute all relevant documents. [Requested by Webb County Head Start]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Mr. Fortunato Paredes, Assistant County Attorney, stated that the lease agreement included a thirty (30) day termination clause.

Motion carried 5-0 by unanimous consent.

- Item No. 17      Discussion and possible action by Webb County to exercise its option to terminate its current Lease Agreement with the Bruni Altar Society concerning the Sacred Heart Mission in Bruni, Texas, by giving the Bruni Altar Society its requisite thirty (30) day written termination notice as specified in the Lease Agreement. [Requested by Webb County Community Action Agency]

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Item No. 18      Discussion and possible action to enter into Third Party Funding Agreements as Follow:  
Funding Pursuant to General Fund Revenue

Texas A & M Dance Program	\$ 1,500
American Red Cross	\$ 7,500
Boys' & Girls' Club	\$ 25,000
Laredo Development Foundation	\$ 95,000
Crime Stoppers	\$ 2,000
Webb County Soil & Conservation	\$ 4,000
BEST	\$ 2,500
Laredo Food Bank Inc., d.b.a. South Texas Food Bank	\$ 25,000
Children's International Advocacy	\$ 60,000

and authorizing the County Judge to execute all relevant documents.

Item No. 19      Discussion and possible action to enter into a two (2) year subscriber lease agreement with Habla-Tex to provide Nextel Communication Services for three (3) Nextel phones for the El Cenizo Community Center. The cost of the service for the three (3) phones per month is ONE HUNDRED THIRTY NINE DOLLARS AND NINETY SEVEN CENTS (\$139.97) for a total cost of THREE THOUSAND THREE HUNDRED AND FIFTY-NINE DOLLARS AND TWENTY EIGHT CENTS (3,359.28) over the lease term, and authorizing the county judge to execute all relevant documents. [Account #001-0109-6004 Telephone Requested by Purchasing Department]

Item No. 20      Discussion and possible action to enter into a two (2) year subscriber lease agreement with Habla-Tex to provide Nextel Communication Services for three (3) Nextel phones for the Rio Bravo Community Center. The cost of the service for the three (3) Nextel phones per month is ONE HUNDRED THIRTY FOUR DOLLARS AND NINETY SEVEN CENTS (\$134.97) for a total cost of THREE THOUSAND TWO HUNDRED AND THIRTY NINE DOLLARS AND TWENTY EIGHT CENTS (\$3,239.28) over the lease term, and authorizing the county judge to execute all relevant documents. [Account #001-0109-6004 Telephone Requested by Purchasing Department]

Cmr. Vasquez motioned to approve Item No. 18, No. 19 and No. 20 as submitted.  
Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 21      Discussion and possible action to amend a Non-Financial Interlocal Cooperative Agreement with the City of Laredo, for the Laredo Public Library, for the Head Start Program, and authorizing the Webb County Judge to execute all relevant documents. The agreement amends the term of the agreement to start on September 1, 2003 and end on August 31, 2004. The original contract had a start date of August 1, 2003 and an ending date of July 31, 2004. [Requested by Webb County Head Start]
- Item No. 22      Discussion and possible action to enter into a Therapy Service Agreement with Therapy Consultants d/b/a Kids Therapy for Children enrolled in the Webb County Head Start Program for a period of one (1) year (September 1, 2003 through August 31, 2004), and authorizing the County Judge to execute all relevant documents. [Requested by Webb County Head Start]
- Item No. 23      Discussion and possible action for Webb County, under the authority of the Texas Election Code sections 42.032 and 42.005, to realign those county election precincts affected by the changes made by House Bill 3, 78th Legislative Session, 3rd Called Session, which effectively redrew Texas' Congressional District Boundaries throughout the State of Texas, and any matters incident thereto. The new congressional boundaries in Webb County affected six county election precincts (precinct number 218, 239, 313, 345, 414, 449) by "splitting" them into two congressional districts which violates state election law (Texas Election Code section 42.005). [Requested by Elections Department]

Cmr. Vasquez motioned to approve Item No. 21, No. 22 and No. 23 as submitted.  
Cmr. Gutierrez seconded the motion.

Cmr. Cortez stated that in regards to Item No. 23, he had spoken with Mr. Rolando Rios, who had done similar work for the County before, and was advised that there are two possible scenarios that could occur and County needed to be ready for both. Mr. Raul Casso, County Judge's Chief of Staff, stated that three things could happen regarding the redistricting: 1) Plan is denied and no action is needed, 2) Injunction is imposed and realignment would not be needed or 3) Redistricting is ordered immediately and realignment would be necessary. He stated that he has spoken with Mr. Rios and he would do the work necessary for all possible outcomes for less than \$4-5,000.

Motion carried 5-0 by unanimous consent.



- Item No. 24      Discussion and possible action to enter into and ratify an addendum extending the Interlocal Cooperation Agreement between the City of Laredo and Webb County for fire protection, emergency medical and rescue services for all unincorporated areas of Webb County for the period of one month beginning October 1, 2003, through October 31, 2003, at a cost of FIFTY THOUSAND DOLLARS (\$50,000.00) and authorizing the County Judge to sign all relevant documents."

Cmr. Vasquez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 3-1 with Cmr. Cortez voting against and Judge Bruni abstaining.

- Item No. 25      Discussion and possible action to enter into an Interlocal Cooperation Agreement between the City of Laredo and County of Webb for the provision of fire protection, emergency medical, and rescue services within the County of Webb, excluding any incorporated city lying outside the City of Laredo for a period of one year and eleven months (November 1, 2003, through September 30, 2005) the first eleven months of the agreement being payable in monthly installments of FORTY-THREE THOUSAND SEVEN HUNDRED FIFTY DOLLARS (\$43,750.00) being a total of FOUR HUNDRED EIGHTY ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$481,250.00) for the eleven month period and the next twelve months being payable in monthly installments of FIFTY THOUSAND DOLLARS (\$50,000.00) being a total of SIX HUNDRED THOUSAND DOLLARS (\$600,000.00) and authorizing the County Judge to sign all relevant documents."

Mr. Raul Casso, County Judge's Chief of Staff, stated that the City of Laredo has agreed to allow the increase of \$150,000 be paid in two yearly installments.

Cmr. Velasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Mr. Carlos Villarreal, Commissioners Court Executive Administrator, stated that he had spoken with two local EMS agencies but that the services offered by them would not be to the benefit of the County residents and the City of Laredo also provided fire protection, emergency medical services as well as rescue services. Cmr. Gutierrez inquired as to whether the City also charged the client or their medical insurance for any call they made and Mr. Casso stated that the question had not been answered by the City. Mr. Villarreal stated that as per their calculations, the City is receiving approximately \$1,800 per call. Judge Bruni requested a monthly report on the number of calls received and made by the City.

Motion carried 5-0 by unanimous consent.

Item No. 26      Discussion and possible action to approve the line item transfers attached and shown as the back up information to this item as recommended by the County Auditor so that billings can be paid and posted in the fiscal year the expense was incurred.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Vasquez seconded the motion.

Mr. Leo Flores, County Auditor, stated that the monies for these transfers are coming from the same department and are being moved from one line item to another to cover over expenditures. He stated that if item was not approved, monies for these over expenditures would come from the new budget and compromise fiscal year figures.

Cmr. Velasquez motioned to approve item except with monies to be transferred from payroll be transferred from fund balance instead. Cmr. Gutierrez seconded the motion.

Mr. Leo Flores, County Auditor, also stated that approximately \$70-140,000 would be needed to cover over expenditures in the Indigent Health care in addition to the \$600,000 approved recently by Commissioners Court. Cmr. Velasquez expressed concern about closing the year 30-60 after the end of the fiscal year.

Motion carried 5-0 by unanimous consent.

Cmr. Velasquez stepped out.

Item No. 27      Discussion and possible action on the transferring of titles for 7 forfeited vehicles to the District Attorney's Office. These vehicles are being used by the DEA Task Force Investigators attached to the District Attorney's Office. [Vehicle maintenance will be covered by Task Force and Insurance coverage will be covered by General Fund]

1. 1997 Chevrolet Tahoe VIN# 33GCEC28K1VG181479
2. 1997 Ford Mustang VIN# 1FALP42X9VF142979
3. 1999 Chevrolet Tahoe VIN# 3GNEK18R1XG165643
4. 1999 Chevrolet Suburban VIN# 3GNEC16R5XG115750
5. 2000 Ford Excursion VIN# 1FMSU43FOYED54681
6. 2000 Dodge Intrepid VIN# 2B3HD46R9YH325971
7. 2000 Ford Windstar VIN# 2FMDA5149YBB00438

Cmr. Vasquez motioned to approve item as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 4-0 with Cmr. Velasquez not present for voting.

- Item No. 28      Discussion and possible action on the submission of a grant application to the Texas Task Force on Indigent Defense for a formula grant in the amount of \$82,147 and designating the Honorable Louis H. Bruni, County Judge, as the Authorized Official and Javier Montemayor, Public Defender, as Program Director. Project funds will be utilized to offset the County's costs of providing indigent defendants with fair and adequate representation. This grant is at no cost to the County.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 4-0 with Cmr. Velasquez not present for voting.

Cmr. Velasquez returned.

- Item No. 29      Discussion and possible action on the submission of a grant application to the Texas Task Force on Indigent Defense for a discretionary grant in the amount of \$70,000 and designating the Honorable Louis H. Bruni, County Judge, as the authorized official. Project funds will be utilized to hire an Indigent Defense Coordinator. The County will be providing an in-kind match of \$7,000.

- Item No. 30      Discussion and possible action on the approval to fill the following slots effective October 27, 2003.

Slot # 035	General Repair Person, at \$8.60 per hour
Slot # 1509	General Office Clerk, at \$9.95 per hour
Slot # 889	Custodian, at \$8.25 per hour

- Item No. 31      Discussion and possible action on the approval to fill slot # 1989, Receptionist, at \$8.48 per hour effective October 27, 2003.

Cmr. Vasquez motioned to approve Item No. 29, No. 30 and No. 31 as submitted. Cmr. Gutierrez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 32      Discussion and possible action to issue "Certifications Regarding Compliance with Plat Requirements and the Connection of Utilities" to authorize utility connections to the following properties: Connection(s) qualifying under Section 232.029(i):

1. Tract 219, Ranchitos Las Lomas Subdivision, (electricity-one dwelling only)
2. Tract 27, Eastgate Acres Subdivision, (electricity-one dwelling only)

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 33 Discussion and possible action on the submission of a contract amendment request for the Webb County Discretionary Indigent Defense Grant Agreement #212-03-D20 to the Texas Task Force on Indigent Defense to extend the grant period from January 31, 2004 to March 31, 2004 to hold a conference symposium on Best Practices in Indigent Defense for South Texas counties, amending the budget and augmenting the conference symposium line item, and designating the Honorable Louis H. Bruni, County Judge, as the authorized official to sign all necessary documents.

Cmr. Gutierrez motioned to approve item as submitted. Cmr. Velasquez seconded the motion with discussion.

Mr. Juan Vargas, Economic Development, stated that existing grant monies would be transferred to another line item to hire someone to plan the symposium and no cash match from the County would be required.

Motion carried 5-0 by unanimous consent.

- Item No. 34 Discussion and possible action to award Bid #2003-46 "Annual Contract for Refuse Collection" to Southern Sanitation.

- Item No. 35 Discussion and possible action to award Bid # 2003-44 "Auctioneering Services" to Cabco Auctioneering Services.

- Item No. 36 Discussion and possible action to authorize the Purchasing Agent to lease purchase one digital 45 CPM copier in the amount of \$521.97 per month for 36 months form Ikon Office Solutions for the Extension Agent's Office. [Account # 001-5001-6014 Equipment Rental]

- Item No. 37 Discussion and possible action to authorize the purchasing agent to approve the contract for Laredo Morning Times for legal and public notices at \$19.25 per column inch.

- Item No. 38 Discussion and possible action to award Bid # 2004-3 "Annual Contract for Flexible Base" to Raymond Botello/Torrechillas Ranch.

- Item No. 39      Discussion and possible action to award Bid # 2004-09 "Annual Contract to replace Mufflers and Related Items" to Laredo Muffler Shop, Inc.
- Item No. 40      Discussion and possible action to award Bid # 2004-26 "Annual Contract for Plumbing Supplies" to Clark Hardware, LTD.
- Cmr. Cortez motioned to approve Item No. 34, No. 35, No. 36, No. 37, No. 38, No. 39 and No. 40 as submitted. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 41      Discussion and possible action to allow Risk Management to charge \$5.00 per employee and \$15.00 per employee's dependent per vaccination at the annual flu clinic.
- Cmr. Cortez motioned to amend fee to \$5.00 per employee and \$5.00 per dependent. Cmr. Vasquez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 42      Discussion and possible action to accept a proposal from Professional Actuarial Services, Inc. for the Actuarial Report of Webb County's Self-Funded Workers' Compensation Program as of September 30, 2003. Requesting an exemption from Section 262.023 of the Local Government Code (Competitive Proposal Requirements) and authorizing the County Judge to execute all relevant documents. [Account #817-0105-6022 Professional Services]
- Item No. 43      Discussion and possible action to approve the U.S. Department of Justice, COPS Homeland Security Overtime Program Grant award of \$69,818, with a Webb County Cash Match of \$25,000 paid from Homeland Security Account #001-0112-7211-18.
- Cmr. Vasquez motioned to approve Item No. 42 and No. 43 as submitted. Cmr. Cortez seconded the motion.
- Motion carried 5-0 by unanimous consent.
- Item No. 44      Discussion and possible action to approve request for refunds as recommended by Tax Assessor-Collector as follows:
1. Fairbanks Capital Corp., Attn: Porsha Brown  
Reason: Over payment  
Total Refund: \$608.20
  2. Fairbanks Corporation, Attn: Jeimy Merlo

Reason: Over payment

Total Refund: \$561.19

3. Briggs Equipment, Attn: Jenny Holsomback

Reason: Section 33.011; Taxpayer requested refund under this section

Total Refund: \$2,119.58

4. Webb County Tax Office

Reason: Refund to Credit Year 2003

Total Refund: \$1,116.34

Cmr. Vasquez motioned to approve item as submitted. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

Cmr. Vasquez motioned to bring back Item No. 5. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

## Item No. 5

### Approval of bills, payroll and monthly reports

Cmr. Vasquez inquired as to what problems the Treasurer's Department is having regarding under/overpayment of wages and staff personnel. Ms. Delia Perales, County Treasurer, stated that she did not feel that there were any problems in her office that she can't take care of. She stated that no salary changes are made without proper documentation but has recently found out that there were other departments with access to payroll with the ability to make changes. She stated that an error was made during the previous administration and an employee was overpaid. She stated that she began to recover the monies from that employee when she discovered the error in January. Mr. Jorge Flores, County Judge's Chief Financial Officer, stated that he was not aware of any problems in the Treasurer's Department during the prior administration. Cmr. Velasquez stated that he had concerns about the current system and that a report was needed as to who has access to the payroll system. Ms. Perales stated that she needed the Court's instruction as to where to get the monies for the \$447,000 cash deficit in the debt service fund. Judge Bruni advised her to get together with Mr. Raul Casso, County Judge's Chief of Staff, and Mr. Carlos Villarreal, Commissioners Court Executive Administrator and get back with the Court.

Cmr. Vasquez stepped out.

Cmr. Gutierrez motioned to move into Executive Session. Cmr. Velasquez seconded the motion.

Motion carried 4-0 with Cmr. Vasquez not present for voting.

EXECUTIVE SESSION (3:38 pm to 4:22 pm)

Judge Bruni reconvened meeting and stated that no action was taken during Executive Session.

- Item No. 45      Discussion and possible action regarding the property damage claim of Lucila Huntington for a motor vehicle accident which occurred on or about September 22, 2003 with a County Vehicle driven by a Sheriff's Department employee. (Executive Session is requested pursuant to Title 5, Subchapter D, Section 551.071 of the Texas Government Code - Consultation with Attorney)

Mr. Nathan Bratton, Assistant County Attorney, recommended that the Court approve settlement along the parameters discussed in Executive Session.

Cmr. Gutierrez motioned to accept recommendation. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 46      Discussion and possible action to consider making an exception to our health insurance plan to cover a prescription for a covered employee under our current policy. (Executive Session is requested pursuant to Title 5, Subchapter D, Section 551.071 Texas Government Code – Consultation with Attorney)

Mr. Nathan Bratton, Assistant County Attorney, recommended that the court make no exception to the current policy.

Cmr. Velasquez motioned to accept recommendation. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 47      Discussion and possible action to authorize the Risk Management Department to submit an insurance claim or to take other action in connection with damages to County Administration Building sustained in flood event of October 13, 2003. (Executive Session is requested pursuant to Title 5, Subchapter D. Section 551.071 of the Texas Government Code – Consultation with Attorney).

Mr. Carlos Villarreal, Commissioners Court Executive Administrator, recommended no filing of claim due to the possible adverse effect on future insurance policies.

Cmr. Gutierrez motioned to accept recommendation. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 48      Discussion and possible action to create a sub-account in Webb County's general fund for payment of expenses or insurance deductible associated with damages to County Administration Building sustained in flood event of October 13, 2003. (Executive Session is requested pursuant to Title 5, Subchapter D. Section 551.071 of the Texas Government Code – Consultation with Attorney).

Mr. Nathan Bratton, Assistant County Attorney, recommended the creation of a sub-account.

Cmr. Gutierrez motioned to accept recommendation. Cmr. Cortez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 49      Discussion and possible action to adopt and ratify County Judge's approval and signature of "Authorization for Work and Direction to Pay" Texas General Contractors, Inc. for emergency services and restoration and repairs to County Administration Building in connection with flood event of October 13, 2003; and ordering an exemption to competitive bidding statute pursuant to Texas Local Government Code § 262.024(a)(3): "an item necessary because of unforeseen damage to public property." (Executive Session is requested pursuant to Title 5, Subchapter D. Section 551.071 of the Texas Government Code – Consultation with Attorney).

Mr. Nathan Bratton, Assistant County Attorney, recommended that the Court ratify authorization to Texas General Contractors, Inc.

Cmr. Gutierrez motioned to accept recommendation. Cmr. Velasquez seconded the motion.

Motion carried 5-0 by unanimous consent.

- Item No. 50      Adjournment

Cmr. Gutierrez motioned to adjourn meeting. Cmr. Vasquez seconded the motion.

Motion carried 5-0 by unanimous consent.